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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,554	03/28/2001	Masanori Kubo	1081.1112	9445

21171 7590 10/31/2005

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,554

Applicant(s)

KUBO, MASANORI

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1> This action is in response to Applicant's RCE. Claim 19 has been cancelled. Claims 1 and 3-18 are presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8.30.2005 has been entered.

Response to Arguments

4> Applicant's arguments with respect to claims 1 and 3-18 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

Applicant asserts that the primary reference, Yano, requires a user to resend connection requests to the server, and therefore does not disclose "suspending" the request. However, Yano discloses many embodiments of his invention and in particular, his third embodiment clearly discloses the use of a "waiting queue" where user requests can be placed if the server is busy with its limit of possible connections. Queues are well known in the art,

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and provide Applicant's claimed "suspending" functionality, as user requests are queued and wait until the server can handle its request.

It is unclear from Applicant's remarks why Yano's use of a queue and its inherent functionality does not read upon the claimed "suspend" functionality when Applicant's specification clearly discloses using queues for the same purpose [see for example, page 13 «line 22» to page 14 «line 19»].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5> Claims 1, 7 and 14-17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yano et al, U.S Patent No. 6,088,737 ["Yano"], in view of Lee, U.S Patent No. 4,788,715.

6> As to claim 1, Yano discloses a service provision method for service provision from a server connected with a client via a network to a user through said client, comprising:

judging whether said server becomes accessible by comparing an access number and a submitted access number in response to an access request from said client to said server, said access number being incremented responsive to each request to said server and said submitted access number being incremented responsive to each completion of providing a

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service from the said server [Figure 2 | Figure 3 | Figure 6 | column 8 «lines 30-32» where :

Yano does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figures, Yano discloses updating the total number of accesses by clients; therefore, the incrementing of these numbers is inherent to the update process];

immediately connecting said client with said server when it is judged accessible [Figure 2 «item 202» | claim 13 where : image transmission to the client represents that the client has been connected to the server];

suspending said access request and displaying information of a number of accesses to said server on said client, said information of the number of accesses directly or indirectly indicating a number of uncompleted requests according to said access number and said submitted access number, when judged inaccessible [Figure 2 «item s203» | Figure 4 | column 6 «lines 60-67» | column 8 «lines 53-67» : “waiting queue”];

displaying an updated said information of the number of accesses being updated at a fixed time interval on said client after displaying said information of the number of accesses [column 22 «lines 12-33»]; and

connecting said client whose access request is suspended with said server at a time when said server becomes accessible after displaying said information of the number of accesses [column 8 «lines 53-67» : “queue”].

Yano does not expressly disclose *automatically* connecting a client *according to a condition that said access number becomes less than or equal to said submitted access number*.

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7> It should be noted that Yano discloses utilizing a waiting queue that suspends user requests to the server when the server is servicing a predetermined limit of accesses [column 8 «lines 53-67»]. User requests are placed in the queue in the order that requests are received. The functionality of waiting queues, such as the one disclosed in Yano, are well known in the art. By its nature, a queue suspends requests until the server is ready to handle them; when the server is capable (i.e., when a user has left the server), it can handle the requests in the order that they are stored in the queue. The first user in the queue can then be connected to the server when it is available.

Further, Lee discloses automatically connecting a client to a server when the server becomes accessible according to a condition that said access number becomes less than or equal to said submitted access number [Figure 2 | Figure 4 | column 4 «lines 39-50» | column 6 «lines 13-40»]. That is, when the queue position number is equal to the number that can be serviced the server, the user in the queue is connected to the server. It would have been obvious to incorporate Lee's teachings with Yano's information processing system and wait queue functionality. Yano's wait queue implicitly contains the logic claimed in the limitations and Lee explicitly teaches its advantages, to handle client requests to servers in a fair and reasonable manner and to ensure that all clients in the queue are handled.

8> As to claim 6, Yano discloses a method wherein said fixed time interval is varied [column 8 «lines 30-42»] but does not explicitly disclose that the interval is varied according to said number of accesses.

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9> Lee teaches that the update fixed timer interval is varied according to said information of the number of accesses [Figure 6 | column 6 «lines 35-65» where : Lee discloses periodic updates]. It would have been obvious to one of ordinary skill in the art to implement Lee's fixed timer interval methods into Yano's update method to keep customers constantly updated of their wait in line when a customer ahead of them is taken of the queue.

10> As to claim 7, Yano discloses a service provision method of claim 1 wherein said information of the number of accesses displayed on said client includes said access number and said submitted access number [column 6 «lines 54-67» | column 8 «lines 53-67» : where it is obvious that Yano's queue would utilize the numbers].

11> As to claim 14, Yano discloses a service provision method of claim 1 further comprising displaying said information of the number of accesses for said client accessing to said server upon determining that said server is inaccessible [Figure 2 «items s201, s203»].

12> As to claim 15, as it does not teach or further define over the limitations of claim 1, claim 15 is rejected for similar reasons set forth for claim 1, supra.

13> As to claim 16, Yano discloses a service provisioning method of claim 15 wherein said client obtains said updated information of the number of accesses displayed at said fixed time interval [column 8 «lines 1-42»].

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14> As to claim 17, Yano discloses a service provision method of claim 15 wherein said client judges whether said server becomes accessible when said client is connected with said server [column 8 «lines 53-67» where : Yano's client is placed in a queue, the queue located on the server].

15> Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee, in view of Wayne et al, U.S Patent No. 5,006,983 [“Wayne”].

16> As to claim 3, Yano does disclose a message notification system [column 12 «lines 56-59»] but does not explicitly disclose when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server.

17> In the same field of invention, Wayne teaches a service provision method wherein when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server [abstract where : Wayne discloses “indication logic for when a resource has or will become available”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Wayne's server availability notification method into Yano so as to be able to notify clients about the availability of a service located on the server. One would have been further motivated to perform such an implementation as Yano discloses a messaging

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system to notify clients when certain predefined events occur [see Yano, column 15 «lines 22-31»].

18> Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee, in view of MacDonald et al, U.S Patent No. 5,867,572 [“MacDonald”].

19> As to claim 4, Yano discloses a notification method but does not explicitly disclose when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server.

20> In the same field of invention, MacDonald teaches a service provision method wherein when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server [abstract]. It would have been obvious to one of ordinary skill in the art to implement MacDonald's voice announcement method into Yano's message notification system so the client can be audibly informed of connection events in relation to the server thereby keeping the client better informed of his situation in the queue.

21> Claim 5 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano and Lee, in view of Sundaresan et al, U.S Patent Publication 2002/0101881 [“Sundaresan”].

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22> Yano discloses a message notification method but does not explicitly disclose wherein when said server is accessible, an E-mail that indicates said server is accessible is sent to a pre-registered mail address of said user before access to said server.

23> In the same field of invention, Sundaresan discloses when said server is accessible, an E-mail that indicates said server is accessible is sent to a pre-registered mail address of said user before access to said server [0015 where : Sundaresan's service represents a server]. It would have been obvious to one of ordinary skill in the art to implement Yano's message notification system as emails, as taught by Sundaresan. One would have been motivated to perform such an implementation as to immediately notify users of when services are now available to the user [Sundaresan, 0141].

24> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano and Lee, in view of Whitt, U.S Patent No. 6,023,681.

25> Yano discloses displaying information of the number of access on said client, but does not explicitly disclose that an estimated time of when said server becomes accessible which is obtained according to a time varied condition of said information of the number of accesses, is displayed.

26> Whitt discloses that an estimated time of when said server becomes accessible which is obtained according to a time varied condition of said information of the number of

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accesses, is displayed [column 2 «lines 29-44» | column 3 «lines 12-14»]. It would have been obvious to one of ordinary skill in the art to incorporate Whitt's estimated time functionality into Yano's status information that is sent to the user to give the user even more accurate information of how long he must wait before being connected to the server.

27> Claims 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee in view of Phaal, U.S Patent No. 6,006,269.

28> As to claim 9, Yano does not teach a service provision method requesting a password input from said user before the said server becomes accessible, and allowing access of said client to said server upon the password input, regardless of said determination whether said server becomes accessible, when authorizing that said input password is correct.

29> Phaal teaches a service provision method requesting a password input from said user before the said server becomes accessible, and allowing access of said client to said server upon the password input, regardless of said determination whether said server becomes accessible, when authorizing that said input password is correct [column 2 «line 64» to column 3 «line 4» | column 12 «lines 10-14»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Phaal's password input functionality into Yano to allow a client to gain immediate access to a server without having to further wait in the queue, allowing higher priority clients quicker access to the service.

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30> Claims 10 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee, in view of Suzuki et al, U.S Patent No. 6,470,323 ["Suzuki"].

31> As to claim 10, Yano does teach displaying said information of the number of accesses on said client [abstract] but does not teach a service provision method wherein when said provided service is for commodity sales, a number of sellable goods in stock is further displayed.

32> Suzuki teaches a service provision method when said provided service is for commodity sales, the number of sellable goods in stock is further displayed to the client [Figures 6 and 7 | column 1 «lines 17-37】. It would have been obvious to one of ordinary skill in the art to combine Suzuki's goods notification method into Yano's method to keep the client apprised of the status of the number of goods that are available for sale while he is waiting in the queue. Furthermore, Yano's system is directed towards an information processing system realized by a client-server to handle information that constantly changes [column 1 «lines 18-22» where : the number of goods available constantly changes].

33> As to claim 11, Yano does not teach a service provision method wherein said number of sellable goods in stock becomes zero, information that shows the commodity of sales of goods is finished is displayed on said client.

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34> Suzuki teaches a service provision method wherein said number of sellable goods in stock becomes zero, information that shows the commodity of sales of goods is finished is displayed on said client (Figure 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's out of stock message in Yano's queuing system to inform the client that the product he wants is no longer in stock and would not have to wait any longer thus saving the user time.

35> Claim 12 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee, in view of Suzuki, in further view of MacDonald.

36> Yano discloses messaging functionality but does not teach a service provision method wherein when said number of sellable goods in stock becomes zero, a message that indicates said commodity sales of goods is finished is uttered by voice from said client.

37> Suzuki teaches a method of notifying the client when commodity of sales of goods is finished [Figure 7] but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Yano to notify the client when the sales of goods is completed.

38> MacDonald teaches a method of notifying a user by using a voice message [abstract]. It would have been obvious to one of ordinary skill in the art to implement MacDonald's

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voice announcement method into Yano and Suzuki's queuing system so the client can be informed of the status of the goods through voice [column 1 «lines 38-43»].

39> Claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano and Lee, in view Suzuki in further view of Sundaresan.

40> Yano discloses messaging functionality but does not teach a service provision method wherein when said number of sellable goods in stock becomes zero, an email that indicates said commodity sales of goods is finished is sent to a preregistered mail address of said user.

41> Suzuki teaches a method of notifying the client when commodity of sales of goods is finished [Figure 7] but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Yano to notify the client when the sales of goods is completed.

42> Sunderesan discloses an email notification system for the immediate notification of users after a certain event [0141]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include email into Yano and Suzuki's notification method so as to allow the user to be immediately notified by email when the sale of goods has been completed.

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43> Claim 18 is rejected under 35 U.S.C § 103(a) as being unpatentable over MacDonald, in view of Yano, in further view of Lee.

44> MacDonald discloses a service provision system, which includes first, second and third servers connected with a client via a network, for service provision from said third server to a user through said client, wherein :

said first server, in response to an access request from said client to said third server, immediately connects said client with said third server, when said third server becomes accessible, and connects said client to said second server, when said third server does not become available [Figure 1 «items 1, 8 and 3» | column 3 «lines 43-49» where : item 1 is analogous to first server, item 8 is analogous to second server and item 3 is analogous to third server. Users are routed through the first server; if the third server is available, then the user can be immediately connected to it. If not, then the user is routed to the queuing server];

said second server displays said information of a number of accesses of said third server on said client, when connected with client, displays the information of the number of accesses updated at a fixed time interval after that, and connects said client to said third server at the time said third server becomes accessible [column 5, lines 59-63 | column 1 «lines 27-29» | column 4 «lines 49-53» | claim 5].

MacDonald does not explicitly disclose determining server accessibility according to a condition that said access number becomes less than or equal to said submitted access number, nor does he disclose said information of the number of accesses directly or indirectly indicates a number of uncompleted requests according to an access number and a submitted

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access number or where it is determined whether said third server becomes accessible by comparing the access number and the submitted access number in response to the access request from said client to said third server, said access number being incremented responsive to each request to said third server and said submitted access number being incremented responsive to each completion of providing a service from the said third server.

45> Yano discloses said information of the number of accesses directly or indirectly indicates a number of uncompleted requests according to an access number and a submitted access number [Figure 2 «item s203» | Figure 4 | column 6 «lines 60-67» | column 8 «lines 53-67»]; and

where it is determined whether said third server becomes accessible by comparing the access number and the submitted access number in response to the access request from said client to said third server, said access number being incremented responsive to each request to said third server and said submitted access number being incremented responsive to each completion of providing a service from the said third server [Figure 2 | Figure 3 | Figure 6 | column 8 «lines 30-32» where : Yano does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figures, Yano discloses updating the total number of accesses by clients; therefore, the incrementing of these numbers is inherent to the update process].

It would have been obvious to one of ordinary skill in the art to have incorporated Yano's status information functionality into MacDonald's wait time calculations to provide more information to the client about how long he must wait. Such an implementation would

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enable MacDonald's system to be more informed about the amount of requests and thereby enhance MacDonald's objective of providing quality service to its customers.

46> Both Yano and MacDonald disclose utilize queues. As discussed previously, the functionality of queues are well known. Further, Lee discloses automatically connecting a client to a server when the server becomes accessible according to a condition that said access number becomes less than or equal to said submitted access number [Figure 2 | Figure 4 | | column 4 «lines 39-50» | column 6 «lines 13-40»]. It would have been obvious to incorporate Lee's teachings with Yano's information processing system and wait queue functionality. Yano's wait queue implicitly contains the logic claimed in the limitations and Lee explicitly teaches its advantages, to handle client requests to servers in a fair and reasonable manner and to ensure that all clients in the queue are handled.

Conclusion

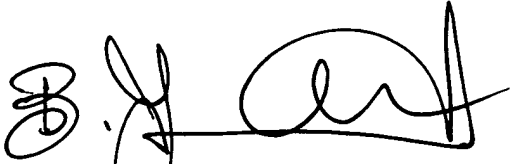
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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DC



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PRIMARY EXAMINER